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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,448	11/30/2000	Kouichiro Hara	001525	9437

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WASHINGTON, DC 20006

EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725,448

Applicant(s)

HARA, KOUICHIRO

Examiner

Michael J Fisher

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As to claim 2, it is unclear exactly how the article is priced, or how a preset amount is figured. As to claim 5, it is unclear how either a computer or a locker could be used to purchase an item as the locker is not disclosed as having computer-like abilities, further, it is unclear how the locker could be used to settle the purchase price of the article.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the control center" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "said article data" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Note: For examination purposes it will be assumed that the "article data" is the "data" in line 10 of claim 1.

Claim 3 recites the limitation "said article" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the payee" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the charge" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the house" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "consignors" in line 15. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by US PAT 4,894,717 to Komei.

Komei discloses a delivered article storage control system (title) with a reader means (as best seen in fig 3A, on sheet 3 of 9) for reading a trader identifier (identification card, as recited in claim 1), it would be inherent that they are decided beforehand as they have numbers associated with their names, operation keys (input keyboard 6), an electric lock (not specifically mentioned, however, the locker is shown as being opened remotely in col 2, lines 45-50 in response to an electronic signal thereby meeting the limitations as claimed), a sensor for detecting articles (15A), a central control unit (A) that communicates with the control center (R2, as best seen in fig 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-4, as best understood, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komei.

Komei discloses a locker system as discussed above.

As to claim 2, Komei does not, however, teach comparing expected price with the price the deliverer is trying to accept.

Komei does teach a receipt provider (col 5, lines 15-18). It would have been obvious to one of ordinary skill in the art to provide a means for checking prices to ensure against fraud.

As to claim 3, Komei does not discuss payment options. Cash On Delivery (C.O.D.) mailings are very well known in the art and therefore, it would have been obvious to one of ordinary skill in the art to allow for C.O.D. mailings to make the system more versatile.

As to claim 4, it is very well known in the art for there to be remote payment locations for utilities (such as at banks or supermarkets) and therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Komei by making it available for remote payments to utility companies via the apartment owner to ease such payments.

As to claim 5, Komei does not discuss payment options or shopping over the Internet. Using a computer to shop online is very well known in the art and 'Cash On Delivery' (C.O.D.) mailings are very well known in the art and therefore, it would have been obvious to one of ordinary skill in the art to allow for C.O.D. mailings to make the system more versatile.

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**Conclusion**

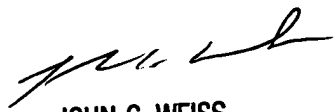
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 5,223,829 to Watabe, Watabe discloses a remote-controlled, electronically locked locker installed in a public place, German Patent DE 102 46 650 A1 to Heinlein, (note: the Derwent translation provided is used for this summary), Heinlein discloses a locker unit with secure encoding for deliveries.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF   
9/27/04

  
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TECHNOLOGY CENTER 3600